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Jerry A. Bridges
Executive Director



ISO Certified: 9001
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Management System

Jennifer Sincock, USEPA,
Region 3, Water Protection Division
(3WP30), 1650 Arch Street,
Philadelphia, PA 19103

Re: Draft Chesapeake Bay TMDL, Docket ID No. EPA-R03-OW-2010-0736

Dear Ms. Sincock:

The Virginia Port Authority (VPA) respectfully submits the following comments in reference to the Draft Chesapeake Bay TMDL report.

1. VPA's commitment to and investment in water quality: As a marine transportation agency, the VPA places an extremely high priority on the health of the Chesapeake Bay and its tributaries. VPA is an ISO 14001 certified agency, and is committed to environmental compliance, leadership, and awareness at all levels of the organization. VPA has invested millions of dollars in water quality improvement and controls, including both structural and non-structural management practices, good housekeeping, employee training, stormwater quality master planning, and oyster restoration.

2. Need to consider cost-effectiveness: The draft TMDL includes no consideration for cost-effectiveness or cost-benefit, which is unacceptable for a multi-billion dollar regulation that will affect stakeholder for decades to come. Retrofitting existing urban/industrial development with stormwater quality controls is the single least cost-effective method for achieving the Bay TMDL. For example, many agricultural practices and wastewater treatment plant upgrades can reduce phosphorus loads at capital costs of \$5-200 per pound per year. Industrial stormwater retrofits, by contrast, cost \$10,000-25,000 per pound per year. It is in the interest of VPA that the Bay TMDL recognize this disparity, and avoid saddling the industrial stormwater sector with impractical reduction requirements. Rather, the Bay TMDL allocations should be consistent with redevelopment-driven improvements.

3. Arbitrary nature of 2025 deadline: USEPA's stated goal of 2025 (for all water quality controls to be in place) has no basis in law or regulation. With the multi-billion dollar implementation effort starting in the worst economy in decades, the 2025 deadline is both arbitrary and unrealistic. USEPA should

allow the individual states to schedule implementation in manners that are compatible with available resources.

4. Maintain the tributary strategy level of nutrient allocations for the James River basin pending resolution of chlorophyll-a technical issues: The USEPA should recognize the technical problems with the James River chlorophyll-a criteria and modeling framework. James River basin allocation should not be cut 15-30% until and unless these problems are resolved. USEPA should support Virginia's plan to reevaluate the James River basin standards, model, and allocations by 2017.

5. Modeling framework of insufficient resolution for local facility allocations: The USEPA should not assign wasteload allocations to individual industrial facilities, nor require the states to allocate to this level in the Phase 2 WIPs. The Bay's watershed model is of insufficient resolution and accuracy for such numbers to be meaningful.

The Virginia Port Authority appreciates the opportunity to comment on the proposed Draft TMDL for the Chesapeake Bay. Should you have any questions with regard to the comments provided, please do not hesitate to contact us at (757) 683-2152.

Sincerely,

Heather L. Wood
Director, Environmental Affairs